

SPECIAL MEETING
AGENDA

Wednesday June 25, 2014 7:00 P.M.
Meeting Room 119
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

EXECUTIVE SESSION

In order for the ZBA and staff to properly consider their legal options for the overall benefit of the community, this portion of the meeting is not open to the Public. No decisions can be made in an Executive Session.

1. Discussion of pending litigation with Town Counsel John Louizos.
2. No additional business can be added to a Special Meeting agenda.

REGULAR MEETING AGENDA

Wednesday, June 25, 2014 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF PUBLIC HEARINGS

Effectively opened on June 18, 2014 and immediately continued to tonight, June 25, 2014 due to the lack of a full 5 member panel on June 18th. These hearings must be completed

by July 23, 2014 (within 35 days after their June 18th opening). The next scheduled regular ZBA meeting is July 16, 2014.

CALENDAR NO. 20-2014

The application of Law Office of Bruce Hill, LLC on behalf of 145 NWL LLC submitted on April 16, 2014 for an interpretation of Section 210 or variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement two and one half story house; Section 210: an interpretation that “the average elevation of the finished grade” may be determined utilizing “the assumed pre-pond elevations” on the property; or if necessary a variance of Section 406: 32’-6” in lieu of 30.0 feet maximum allowable building height. The property is situated on the west side of Nearwater Lane approximately 600 feet north of the intersection with Brush Island Road and is shown on Assessor’s Map #56 as Lot #24, being 145 Nearwater Lane and located in an R-1 (residential) Zone.

CALENDAR NO. 22-2014

The application of James Quinn submitted on May 21, 2014 for a variance of Section 406; to allow the construction of a second story and attic addition; Section 406: 39.8 in lieu of 50.0 minimum feet required front yard setback. The property is situated on the west side of Mansfield Avenue approximately 1,000 feet north of the intersection with Buttonwood Lane and is shown on Assessor’s Map #5 as Lot #42, being 286 Mansfield Avenue and located in an R-2 (residential) Zone.

CALENDAR NO. 24-2014

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of property owner Noroton Company LLC and tenant Papa Joe’s Restaurant submitted on May 21, 2014 for variances of Sections 906 and 383; to allow the expansion of the restaurant with no increase in parking requirement; Section 906: 0 in lieu of 34 additional parking spaces for the increased square footage use and 37 in lieu of 104 total required parking spaces for the building; and Section 383: to allow a restaurant use in the Neighborhood Business Zone. The property is located on the northeast corner of the intersection of the Boston Post Road and Noroton Avenue and is shown on Assessor’s Map #42 as Lot #1, being 1973 Boston Post Road and located in an R-1/3 (residential) Zone and NB (Neighborhood Business – Commercial) Zone.

CALENDAR NO. 25-2014

POSTPONED TO JULY 16, 2014

The application of Mark Smith, P.E. and Alfred Benesch & Co. on behalf of Standard Realty, LLC submitted on May 21, 2014 for variances of Section 605 of the Darien Zoning Regulations; to allow the construction of a fuel island canopy; Section 605: 0 in lieu of 10 feet minimum required front yard setback and 23.9 in lieu of 20.0% maximum allowable building coverage. The property is located on the north side of the Boston Post Road approximately 70 feet east of the intersection with Garden City Road and is shown on Assessor's Map #42 as Lot #3, being 1927 Boston Post Road and located in the NB (Neighborhood Business – Commercial) Zone.

CALENDAR NO. 26-2014

The application of Jacek Bigosinski and PB Architects on behalf of Edgewood Partners LLC submitted on May 21, 2014 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 60.3 in lieu of 80.0 feet minimum required lot width, and 13,333 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 60.3 in lieu of 80.0 feet minimum required lot width. The property is situated on the north side of Edgewood Road approximately 330 feet east of the intersection with Herman Avenue and is shown on Assessor's Map #20 as Lot #85, being 18 Edgewood Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 27-2014

The application of Amy S. Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Lauren & Patrick Palomo submitted on May 21, 2014 for a variance of Section 825d of the Darien Zoning Regulations; to allow the construction of a substantial improvement two story addition; Section 825d: maintenance of existing living space and construction of additional living space at 37.2 in lieu of 40.0 feet minimum required floor elevation. The property is situated on the south side of Rose Lane approximately 100 feet east of the intersection with Denhurst Place and is shown on Assessor's Map #25 as Lot #14, being 104 Rose Lane and located in an R-1/5 (residential) Zone.

DELIBERATIONS AND DECISIONS

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public

hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Final review of Cal #56-2013 stipulations regarding Giovannis proposed sign.
2. Requested amendment to the approved plans of Calendar No. 11-2014, Rohit Parwal & Priti Parwal, 288 Noroton Avenue.
3. Approval of Minutes of meeting on March 12, 2014. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, and Rich Wood.
4. Election of Officers for July 1, 2014 to June 30, 2015, by regular members.
5. Approval of 2015 Meeting Schedule.
6. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/ staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
7. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda.